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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,556	07/22/2003	Kenji Shiraishi	240519US2	5911

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EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/13/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/13/2007.

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Office Action Summary	Application No. 10/623,556	Applicant(s) SHIRAISHI, KENJI	
	Examiner Nhan T. Tran	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/22/2003, 11/8/2004, 3/15/2005 & 2/7/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 3-9,12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 10/22/2003, 11/8/2004, 3/15/2005 and 2/7/2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements have been considered by the examiner.

Drawings

3. The drawings (**Fig. 1**) filed 1/21/2004 are objected to because Fig. 1 does not include a functional label for each circuit block (for example, block 3 should be labeled as **CCD**, block 4 should be labeled as **CDS**, etc., *similar to the drawings of Fig. 1 in the priority papers*). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the

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replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention ("Imaging Apparatus") is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities: the disclosure recites a plurality of words "flaming" and "flamed" on pages 4-6, 9, 18-20. These words should be corrected to read as -- framing -- and -- framed --.

Appropriate correction is required.

Claim Objections

5. Claims 1, 3, 10-13 are objected to because of the following informalities:

Regarding claim 1, this claim recites "further comprising;" in line 8 of the claim. This should be corrected as -- further comprising: --.

Regarding claim 3, this claim recites "said white balance control device conducts the white balance control without using a result of a feature detection for an area which is not included in said zoom area, when a mode which matches said zoom area and said feature detection area is selected" in lines 4-7 of page 23. The comma (,) before the word "when" should be removed.

Regarding claims 10-13, each of these claims recites "a flaming" which should be corrected to read as -- a framing --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 10 & 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaji et al. (US 6,476,868).

Regarding claim 1, Kaji discloses an imaging apparatus (Figs. 30, 31A & 31B) comprising:

an imaging device (103) to photograph an image of an object and convert said image of the object into an electronic image signal (Fig. 30, col. 19, lines 10-15);

a feature-detection device (white balance control means in combination with control area setting 119, enlargement position input device 120 and microcontroller 110 shown in Figs. 30, 31A & 31B) to detect a feature (color information output from pixels) for a white balance control in accordance with said electronic image signal (see col. 20, lines 28-40 and note that color information is inherently detected by the white balance control means in order to adjust the white balance of the image);

a white balance control device (white balance control means) to carry out the white balance control based on a result of said feature detection device (col. 20, lines 28-40);

said imaging apparatus further comprising: a device (enlargement input device 120) to select a zoom area of the image signal by said imaging device; a device (EVF 122) to display the image signal of the area selected by said zoom area selection device (Figs. 31A & 31B); and a device (control area setting means 119) to select an area (i.e., area containing baseball players shown in Fig. 31A) to conduct the feature detection for said white balance control, wherein said feature detection area selection device conducts the selection of said feature detection area in accordance with the area photographed (i.e., center area A shown in Fig. 31A) by said imaging device and the area selected (i.e., baseball players area X shown in Figs. 31A & 31B) by said zoom area selection device (see col. 20, lines 28-58 and col. 21, lines 23-43, wherein the

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white balance is controlled according to the default area A or a selected area X depending on the user's input).

Regarding claim 2, it is also seen in Kaji that said white balance control device is adapted to be capable of selecting as to whether the feature detection area selected by said feature detection area selection device and the zoom area selected by said zoom area selection device are an identical area or not (see Figs. 31A & 31B and col. 20, lines 21-40 and col. 21, lines 23-43, wherein control area setting for the white balance is selected so as it is identical to the zoom area to optimize the white balance for the selected area such as the area containing baseball players).

Regarding claims 10 & 11, Kaji further discloses a live view function (electronic viewfinder or EVF shown in Fig. 31A) for confirming a framing of electronic zoom until a time of photographing, and wherein an operation result of said feature detection area selection device and a result of a white balance processing depending on a specific photographing condition are confirmed by a live view screen with a condition displaying said live view screen by said display device (see Figs. 31A & 31B; col. 20, line 21-40 and col. 21, lines 8-43).

Allowable Subject Matter

7. Claims 3-9, 12 & 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

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limitations of the base claim and any intervening claims. *Note that the claims objected for informalities in section 5 above should be corrected.*

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, the prior art of record fails to teach or fairly suggest the combination of all limitations of claim 3 that includes *"...said white balance control device conducts the white balance control without using a result of a feature detection for an area which is not included in said zoom area[,] when a mode which matches said zoom area and said feature detection area is selected, and conducts the white balance control with a result of a feature detection from all area photographed by said imaging device when a mode which does not match with said zoom area and said feature detection area is selected."*

Regarding claim 5, the prior art of record also fails to teach or fairly suggest the combination of all limitations of claim 5 that includes *"...said weighting setup device sets equally a weighting for a result of a feature detection in an area, which is not included in said zoom area, and the weighing for a result of a feature detection within said zoom area when a macro mode or a portrait mode is used as a photographing mode and wherein said white balance control device conducts the weighting to the result of the feature detection in said each area in accordance with the weighting set by said weighting setup device, and conducts the white balance control by use of said weighted result of the feature detection."*

Regarding claim 7, the prior art of record also fails to teach or fairly suggest the combination of all limitations of claim 7 that includes *"...said weighting setup device sets the weighting for a result of a feature detection in an area, which is not included in said zoom area, lower than a result of a feature detection within said zoom area if a light source of a high brightness is included in the result of the feature detection in the area which is not included in said zoom area, and wherein said white balance control conducts the weighting to the result of the feature detection in said each area in accordance with the weighting set by said weighting setup device, and conducts the white balance control by said weighted result of the feature detection."*


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Nhan Tran', with a stylized, flowing script.

NHAN T. TRAN
Patent Examiner